

REQUEST FOR RECONSIDERATION

Claims 1-7 remain active in this application.

The claimed invention is directed to a coffee composition, a soluble coffee composition, a packaged beverage filled with a coffee composition and methods for preparing same, comprising 0 to 0.00005 wt.% of hydroxyhydroquinone (HHQ) (claims 1, 3, 4 and 6-8) or no substantial HPLC peak where HHQ would be detected (claims 2, 5 and 6-7).

Applicants wish to thank examiner King and Supervisory Patent Examiner McNeil for the helpful and courteous discussion held with their U.S. representative on April 2, 2009. At that time, applicants' U.S. representative discussed presentation of evidence that treatment of a coffee composition with activated carbon does not inherently provide for an HHQ content of 0 to 0.00005 wt.%. The following is intended to expand upon the discussion with the examiners.

Coffee compositions are consumed around the world. While it has been recognized that hydrogen peroxide is a component of roasted coffee, method of removal have not been effective at reducing *in vivo* hydrogen peroxide levels. Applicants have discovered that HHQ has an effect of generating hydrogen peroxide *in vivo* and that a coffee composition from which an HHQ content has been reduced does not accelerate the production of hydrogen peroxide *in vivo*. Such a coffee composition is nowhere disclosed or suggested in the cited art of record.

The rejections of claims 1, 2, 6 and 7 under 35 U.S.C. 102(b) or in the alternative under 35 U.S.C. 103(a) over Stelkens GB 354,942 and of claims 3, 4, 5 and 8 in further view of various Schlichter U.S. 3,615,666 and Behrman U.S. 2,430,663 are respectfully traversed.

None of the cited references disclose or suggest a composition comprising 0 to 0.00005 wt.% HHQ.

Stelkens has been cited for a disclosure of treatment of infusions of tea and coffee with activated carbon such that caffeine and other distasteful constituents are adsorbed (page 1, lines 74-84). Treatment with activated carbon results in a decrease in the **total nitrogenous content** (43% reduction) of the coffee infusion (page 2, lines 16-20). There is no express disclosure of removal of HHQ. HHQ is not a nitrogenous compound. The use of zinc chloride treated activated carbon of an average particles size of 0.2-0.4 mm apparently has the examiner postulating that an HHQ content as claimed would be expected.

In contrast, the claimed invention is directed to a coffee composition having 0-0.00005 wt. % of HHQ (claims 1, 3, 4 and 6-8) or no substantial HPLC peak where HHQ would be detected (claims 2, 5 and 6-7).

Applicants respectfully submit that mere treatment of a coffee composition with activated carbon would not inherently provide and HHQ content of 0 to 0.00005 wt.%. As evidence of the lack of inherency of treatment of coffee extract with activated carbon, applicants enclose herewith the declaration of Mr. Hideo Ohminami, a researcher of Kao Corporation, the assignee of the above-identified application and a named inventor.

Mr. Ohminami prepared a coffee extract and treated with activated carbon having an average particle size of 0.3 mm, using the technique and proportions described in Stelkens. The HHQ and chlorogenic acid contents were determined by HPLC as 0.00112 wt. % and 0.46549 wt. % respectively. The content of HHQ, was 0.00112 wt. %, in excess of the claim limitation of “0 to 0.00005 wt.%.” Thus, Mr. Ohminami’s declaration provides evidence of the lack of inherency of an HHQ content as claimed, resulting from activated carbon treatment.

As the cited reference fails to suggest removal of HHQ from a coffee composition and a content of HHQ as claimed is not inherent to treatment with activated carbon, the claimed invention is clearly not rendered obvious by the cited references.

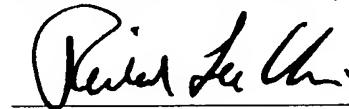
The basic deficiencies of the primary references are not cured by the secondary references as none of the secondary references disclose or suggest a process which would result in an HHQ content, as claimed.

Since the cited references fail to suggest removal of HHQ to a content as claimed, the claimed invention would not have been obvious and accordingly, withdrawal of the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) is respectfully requested.

Applicants submit that this application is now in condition for allowance and early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Attorney of Record
Richard L. Chinn, Ph.D.
Registration No. 34,305